

**Africa, Global Human Rights and International Operations
and
Asia and the Pacific Subcommittees**

**The Human Rights Dialogue with Vietnam: Is Vietnam Making
Significant Progress?**

**Prepared Statement of Christopher H. Smith, Chairman
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The Committee will come to order. Today we are meeting to examine the results of the recent Human Rights Dialogue with the government of Vietnam, and the progress, or lack thereof, in Vietnam's respect for human rights and religious freedom.

But I cannot begin any hearing on Vietnam without first raising the issue that engages more Americans, more deeply, than any other when we talk of Vietnam - a full, thorough and responsible accounting of the remaining American MIAs from the Vietnam conflict. As my colleagues know well, of the 2, 583 POW/MIAs who were unaccounted for – Vietnam (1,923), Laos (567), Cambodia (83) and China (10) -- just under 1,400 remain unaccounted for in Vietnam. During my last visit to Vietnam in December 2005 I met with LTC Lentfort Mitchell, head of the Joint POW-MIA Accounting Command (JPAC). While JPAC is making steady progress and is able to conduct approximately four joint field activities per year in Vietnam, I remain deeply concerned that the government of Vietnam could be more forthcoming and transparent in providing the fullest accounting. It is our sacred duty to the families of the missing that we never forget and never cease our pursuit until we achieve the fullest possible accounting of our MIAs.

This hearing takes place in the context of the recently concluded Human Rights Dialogue with Vietnam, which our distinguished witnesses from the State Department will report on. The State Department had suspended the Human Rights Dialogue since 2002 because it was clear Hanoi was not serious about our concerns. Since that time Hanoi was designated a Country of Particular Concern (CPC) for egregious and systematic violations of religious freedom in both 2004 and 2005. Vietnam is currently anxious to receive Permanent Normal Trade Relations (PNTR) with the U.S., to gain admittance to the World Trade Organization (WTO), and to have President Bush attend the Asia Pacific Economic Cooperation (APEC) Summit in November. Indeed, this is the “APEC Year” in Hanoi. Now that the dialogue has been resumed, at Hanoi’s request, it is both imperative and opportune for the Administration and Congress to pressure Hanoi for more deeds than talks. Vietnam needs to show that it is not merely trying to smooth out some minor “misunderstandings” which get in the way of Vietnam’s important economic and political goals, but rather that it has made a fundamental commitment to human rights and reform, and to fulfilling its international commitments, a fundamental commitment which will not be forgotten after it has achieved those goals.

Section 702 of Public Law 107-671 requires the Department to submit a report on the U.S.-Vietnam Human Rights Dialogue within 60 days of its conclusion “describing to what extent the Government of Vietnam has made progress during the calendar year toward achieving the following objectives:

- (1) Improving the Government of Vietnam's commercial and criminal codes to bring them into conformity with international standards, including the repeal of the Government of Vietnam's administrative detention decree (Directive 31/CP).
- (2) Releasing political and religious activists who have been imprisoned or otherwise detained by the Government of Vietnam, and ceasing surveillance and harassment of those who have been released.
- (3) Ending official restrictions on religious activity, including implementing the recommendations of the United Nations Special Rapporteur on Religious Intolerance.
- (4) Promoting freedom for the press, including freedom of movement of members of the Vietnamese and foreign press.
- (5) Improving prison conditions and providing transparency in the penal system of Vietnam, including implementing the recommendations of the United Nations Working Group on Arbitrary Detention.
- (6) Respecting the basic rights of indigenous minority groups, especially in the central and northern highlands of Vietnam.
- (7) Respecting the basic rights of workers, including working with the International Labor Organization to improve mechanisms for promoting such rights.
- (8) Cooperating with requests by the United States to obtain full and free access to persons who may be eligible for admission to the United States as refugees or immigrants, and allowing such persons to leave Vietnam without being subjected to extortion or other corrupt practices.

So far as we can see from here, however, it appears that Vietnam still has a long way to go before it can convince us that it has made any fundamental and lasting change in its human rights policy. The State Department's Human Rights report on Vietnam for 2005, upgrades Vietnam's Human Rights record from "poor" to merely "unsatisfactory." Freedom House still rates Vietnam as "unfree," but it is no longer at the absolute bottom of the repression scale. These are not exactly ringing endorsements.

There are fewer religious and political dissidents in jail, but there still are too many. Even those let out, like Father Ly, Father Loi, Dan Que (win dan qway), are subject to continued forms of house arrest or harassment. Restrictions on the legal churches have eased, but requests to build churches, to receive back confiscated properties, and provide charitable and educational services, which are allowed under current law, are never answered quickly, and often never answered at all. Hundreds of churches have been closed in the past five years. Last year, dozens were opened. And still large numbers of believers who belong to "illegal churches" suffer continued harassment – not everywhere, not everyone, not always, but their rights to believe and practice are still not secured by rule of law. Too often all of the improvements are based on local and arbitrary decisions which can be reversed at any time. The Unified Buddhist Church of Vietnam (UBCV) is still illegal, and its leaders, the Venerable Thich Quang Do and Patriarch Thich Huyen Quang remain under strict "pagoda" arrest, and 13 other senior figures remain under similar restrictions. The independent Hoa Hao Buddhists are also illegal, and their church was singled out for repression last year. Evangelical Protestant house churches, Mennonites, Bahai,

Hindus, and others exist in a legal limbo: technically illegal, but often tolerated, but sometimes repressed. Those officials who violate government guaranteed religious rights appear never to be punished. This is not the way a rule of law society is constructed.

Reports of forced renunciations of Christianity in the Montagnard regions have diminished – but they have not ended. Montagnard house churches are allowed to operate, but have not received their registration. The UNHCR, and various diplomats, are allowed to travel, sometimes, to some Montagnard regions, but only when carefully monitored. Montagnards eligible for resettlement in the U.S. get their passports and exit visas, but not all, not everywhere. And hundreds of Montagnards languish in detention.

Vietnam reportedly weakened its two-child policy several years ago, after coercive policies involving contraception, birth quotas, sterilization and abortion cut Vietnam's fertility almost in half in twenty years. Yet last year the Deputy Prime Minister called for "more drastic measures" to cut the birth rate further. It is not clear that this has yet been enforced, but it hangs there as a storm cloud over all families, but especially over Vietnam's long-abused indigenous minorities. Like China's one child policy, Vietnam's two-child policy has led to a large and growing imbalance in male and female births, which will only increase its already severe problems as a source, transit and destination country for human trafficking. According to last year's State Department's Human Trafficking report, Vietnam remained a Tier II country because of its serious trafficking problems, but was removed from the Watch List. Many of us think this was an error, and that Vietnam's response to its trafficking problems remains inadequate.

In December I met with over 60 people: government officials, political and religious activists, archbishops, heads of churches and ordinary believers. I could feel it even in the somewhat stilted conversations I have had recently with mixed delegations of religious leaders and government officials. That the Vietnamese government even consented to send these delegations was an important step. But it was clear that some of the government officials at least are beginning to understand our concerns. What they will now do is the question. I believe that Michael Cromartie, Chairman of the U.S. Commission on International Religious Freedom, makes the crucial observation: "We are not arguing over whether the glass is half-full or half-empty. We just do not know if the glass, so recently constructed, will continue to hold any water. Will legal developments hold in a country where the rule of law is not fully functioning? Are changes only cosmetic, intended to increase Vietnam's ability to gain WTO membership and pass a Congressional vote on PNTR?...Though promises of future improvement are encouraging, we should not reward Vietnam too quickly by lifting the CPC designation or downplaying human rights concerns to advance economic or military interests."

I could not agree more. We have seen various thaws in other Communist regimes. The Khrushchev thaw was followed by the worst persecution of religion in thirty years, and then the long stagnation of the Brezhnev regime. In the 60's we thought Nicolae Ceausescu of Romania would be the next Tito (I remember when we thought that was an advance); instead, he decided to be the next Kim Il-Sung. Finally who can forget the democratic opening in China which was crushed at Tian An Men Square.

We must be sure that the change in Vietnam is real. We have a unique opportunity this year to achieve real and lasting progress in Vietnam. We should use the leverage we have, and seek to increase it. The House of Representatives has twice passed legislation authored by me on human rights in Vietnam. HR 1587, The Vietnam Human Rights Act of 2004, passed the House by a 323-45 vote in July of 2004. A similar measure passed by a 410-1 landslide in the House in 2001. The measures called for limiting further increases of non-humanitarian U.S. aid from being provided to Vietnam if certain human rights provisions were not met, and authorized funding to overcome the jamming of Radio Free Asia and funding to support non-governmental organizations which promote human rights and democratic change in Vietnam. Regrettably, both bills stalled in Senate committees and have not been enacted into law. But we are again ready to work with the administration to find ways to encourage and promote civil society in Vietnam. I have re-introduced the Vietnam Human Rights Act of 2005, HR 3190. I would be delighted to hear what sort of measures we could add to the bill to cooperate with the Vietnamese government if it is indeed serious about strengthening civil society and the rule of law: to help promote genuine NGO's, especially faith-based NGO's, to deal with Vietnam's problems with trafficking, addiction, HIV/AIDS, street children; to create an independent bar association, and help train lawyers who can defend the rights already guaranteed to Vietnam's people by Vietnam's own constitution and laws.

Human rights are central, are at the core of our relationship with governments and the people they purport to represent. The United States of

America will not turn a blind eye to the oppression of a people, any people in any region of the world. I welcome our witnesses and the valuable eyewitness testimony they bring today, so that the world will get a true and complete picture of this government with whom we are growing ever closer.